

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 2005-347-C - ORDER NO. 2006-234  
APRIL 20, 2006

IN RE: Petition of the Office of Regulatory Staff for	)	ORDER
a Proceeding to Address the Public Service	)	PROMULGATING
Commission of South Carolina's Regulations	)	REGULATIONS
Governing Telephone Utilities That Should	)	
Be Amended, Modified, or Repealed to	)	
Comply with Act No. 175.	)	

This matter comes before the Public Service Commission of South Carolina (the Commission) for consideration of promulgation of proposed changes to the Commission's Article 6 regulations on telecommunications utilities, which are officially cited as 26 S.C. Code Ann. Regs. 103-600, et. seq. (1976 and Supp. 2005). A hearing was held pursuant to S.C. Code Ann. Section 1-23-111 (Supp. 2005).

In 2004, the General Assembly passed Act No. 175, which restructured the Commission. This Act modified the structure of the Commission and its functions and created the Office of Regulatory Staff (ORS). Several duties of the Commission were transferred to ORS on January 1, 2005. The purpose of the revisions to 26 S.C. Code Ann. Regs. 103-600, et. seq. (1976 and Supp. 2005) was to amend Article 6 to conform to the new standards set by Act No. 175 of 2004.

In the January 2006 issue of the State Register, the new regulations proposed by this Commission, a Statement of Need and Reasonableness for these regulations, and a Preliminary Fiscal Impact Statement were published. The Commission also published a

Notice of Public Hearing, which stated that the Commission had scheduled a hearing for March 2, 2006, at 11:00 a.m. to take place in the Commission's Hearing Room.

A hearing was held at the noticed time and place, with the Honorable Randy Mitchell, Chairman, presiding. All jurisdictional documents were submitted into the record as a Hearing Exhibit, which was admitted into evidence. Jocelyn Boyd, Deputy Clerk, outlined the proposed changes in the Commission's Telecommunications Regulations to conform to Act No. 175 of 2004. Other presenters proposed modifications to the proposed regulations. Several presenters lauded the spirit of cooperation that existed with regard to their development. Indeed, this Commission is grateful to everyone who contributed to the discussion on these regulations and believes that everyone should be complimented for their spirit of cooperation.

With regard to additional proposed changes by other presenters, the South Carolina Telephone Coalition (SCTC) proposed a modification to 26 S.C. Code Ann. Regs. 103-620(e), Customer Information, and also requested uniformity with regard to annual reports rendered by telecommunications companies. Verizon and BellSouth Telecommunications, Inc. (BellSouth) proposed changes to 26 S.C. Code Ann. Regs. 103-612 (1), Annual Reports, which would allow telecommunications utilities operating under certain alternative regulation statutes to file an annual report with this Commission that consists of copies of the same reports filed with the Federal Communications Commission (FCC). BellSouth also proposed modifications to proposed 26 S.C. Code Ann. Regs. 103-622.3, Disconnection and Reconnection; to 103-631, Directories; and to 103-631.C, Directories. Further, the Commission's Advisory Committee was presented

with a proposed change to 26 S.C. Code Ann. Regs. 103-614, Interruption of Service, which would allow the Commission access to certain information on interruption of service. ORS agrees to the change. BellSouth noted that this information is considered confidential under the Homeland Security Act and that this information should be declared confidential.

We adopt the SCTC proposal as to 26 S.C. Code Ann. Regs. 103-620(e), Customer Information, as a more reasonable change than those changes originally proposed. This new language would require each company to provide a general notice to all of the company's customers regarding the complaint procedures of the Commission, which is a very reasonable proposal. Further, we adopt BellSouth's proposed changes to 26 S.C. Code Ann. Regs. 103-622.3, Disconnection and Reconnection, and 103-631, Directories, as being more reasonable than the originally proposed changes. However, we reject Verizon's and BellSouth's proposal to modify the 103-612(1) language on Annual Reports, which would have allowed the filing of the same report with the Commission as is filed with the FCC. First, we believe that information submitted to the FCC is not comparable to the information found in the current annual report form submitted to the Commission. Further, rejection of this form of report makes for a uniform form for annual reports for all telecommunications utilities.

With regard to BellSouth's suggested modification in 103-631.C, Directories, we adopt the modification, with the exception of the omission of the first sentence in the regulation. Instead, that sentence shall be retained and modified to read as follows: "The name of the telephone utility, an indication of the area included in the directory and the

month and year of issuance shall appear on the front cover or the spine of the directory.” This additional language allows telecommunications companies an additional optional location to place the required information, in addition to the front cover of a directory.

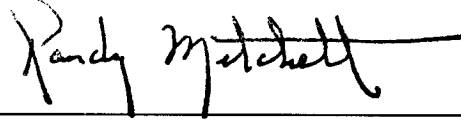
Lastly, we adopt the new revisions to 26 S.C. Code Ann. Regs. 103-614, Interruption of Service, which were presented to the Commission’s Advisory Committee, and agreed to by ORS. These changes will allow this Commission to continue to review information on interruption of service by telecommunications utilities. We also declare such information as furnished pursuant to this Regulation confidential and not public information, pursuant to the Homeland Security Act and this Commission’s regulations.

The Commission has considered this matter and finds that the proposed changes to the Article 6 regulations, including those as discussed above, are reasonable and that a need also exists to conform these regulations to the provisions of Act No. 175. Based on the record as a whole, the Commission finds that the requisite need and reasonableness standards have been met and that the changes to the regulations as outlined above should be promulgated.

IT IS THEREFORE ORDERED:

1. The changes to the Article 6 regulations as described above are hereby promulgated.
2. These regulations shall be submitted to the General Assembly for review pursuant to State law.
3. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

A handwritten signature in black ink, reading "Randy Mitchell", followed by a horizontal line.

Randy Mitchell, Chairman

ATTEST:

A handwritten signature in black ink, reading "G. O'Neal Hamilton", followed by a horizontal line.

G. O'Neal Hamilton, Vice Chairman

(SEAL)